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Karl Philip Johnson

FILED
08 MAY 19 PM 1:53
CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY: DEPUTY

**UNITED STATES DISTRICT COURT**

**SOUTHERN DISTRICT OF CALIFORNIA**

'08 CV 0887 J WMc

KARL PHILIP JOHNSON,

Plaintiff,

vs.

CITY OF SAN DIEGO; SAN DIEGO POLICE DEPARTMENT; JAMIE FITZPATRICK (#6114); FRANK WILSON (#5710); AND DOE 1 THROUGH DOE 20, INCLUSIVE,

Defendants.

COMPLAINT FOR DAMAGES FOR:
1. FALSE IMPRISONMENT;
2. ILLEGAL SEARCH & SEIZURE;
3. BATTERY;
4. INVASION OF PRIVACY;
5. INTENTIONAL INFLICTION OF SEVERE EMOTIONAL DISTRESS;
6. NEGLIGENCE;
7. VIOLATION OF FEDERAL AND STATE CONSTITUTIONAL AND STATUTORY RIGHTS.

VIA FAX

COME NOW plaintiff, Karl Philip Johnson, for causes of action against defendants City of San Diego, San Diego Police Department, Jamie Fitzpatrick (#6114) and Frank Wilson (#5710) and Doe 1 through Doe 20, inclusive, and each of them, complain and allege as follows:

**GENERAL ALLEGATIONS**

1. Plaintiff is, and at all times herein mentioned was, a law abiding citizen and resident of the City of El Cajon, County of San Diego, State of California.

2. Plaintiff is informed and believes, and thereon alleges, that defendants Jamie Fitzpatrick (#6114) and Frank Wilson (#5710)

are, and at all times herein were, residents of the City of San Diego, County of San Diego, State of California.

3. Plaintiff is further informed and believes that defendants Jamie Fitzpatrick (#6114) and Frank Wilson (#5710) are, and at all times herein mentioned were, police officers acting under color of authority and were the agents, servants and employees of all other defendants.

4. Plaintiff is informed and believes, and thereon alleges, that defendant City of San Diego, is a municipal corporation within the County of San Diego, State of California.

5. Defendant, San Diego Police Department, is, and at all times relevant hereto was, a police department set up by and operating under the City of San Diego.

6. Plaintiff is informed and believes, and thereon alleges, that at all times relevant herein, defendants City of San Diego and San Diego Police Department employed defendants Jamie Fitzpatrick (#6114) and Frank Wilson (#5710) as police and peace officers to maintain law and order and to protect and serve the people of the City of San Diego.

7. Plaintiff is ignorant of the true names and capacities of defendants sued herein as Doe 1 through Doe 20, inclusive, and therefore sues these defendants by such fictitious names pursuant to California Code of Civil Procedure, Section 474. Plaintiff will amend this complaint when said defendants' true names and capacities are ascertained.

8. Plaintiff is informed and believes, and thereon alleges, that defendants, and each of them, were the agents, servants, and/or representatives each of the other and were acting in such

course, scope and capacity at all times herein mentioned.

9. Plaintiff is informed and believes, and thereon alleges, that each defendant herein was, at all times relevant hereto, responsible in some manner for the occurrences herein alleged, and that plaintiff's injuries as herein alleged were proximately caused by defendants' acts.

**FIRST CAUSE OF ACTION**

**AGAINST ALL DEFENDANTS**

**FOR**

**FALSE IMPRISONMENT**

10. Plaintiff realleges and hereby incorporates by reference each and every allegation contained in paragraphs 1 through 9, inclusive, of the General Allegations as though fully set forth herein.

11. On or about May 20, 2006 at approximately 2:45 a.m., Plaintiff, while lawfully driving his vehicle in the area of Potomac and Alta View in the City of San Diego, was stopped without probable cause by defendants Jamie Fitzpatrick (#6114) and Frank Wilson (#5710). Said defendants used the pretext that the rear license plate light was not functioning on plaintiff's vehicle. Defendants Jamie Fitzpatrick (#6114) and Frank Wilson (#5710), and each of them, with guns and weapons drawn and pointed at plaintiff, unlawfully stopped, detained, searched, handcuffed and arrested plaintiff. Additionally, said defendants intentionally overtightened the handcuffs placed on Plaintiff and imprisoned plaintiff in a moving police vehicle without placing him in a seatbelt.

12. Defendants, and each of them, did not have a warrant and had no probable cause to stop, detain, search, handcuff, arrest, improperly transport, and otherwise imprison plaintiff.

13. By the actions described above, defendants, and each of them, deprived plaintiff of the following clearly established and well-settled constitutional rights:

A. Freedom from the deprivation of liberty without due process of law;

B. Freedom from summary punishment;

C. Freedom from the use of excessive, unreasonable, unnecessary and/or outrageous force;

D. Due process and equal protection in handling, treatment and transportation.

14. Defendants, and each of them, subjected plaintiff to the deprivation of his rights intentionally and either maliciously, or by acting with reckless disregard for whether plaintiff's rights and/or safety would be violated by their actions.

15. As a direct and proximate result of the acts of defendants, and each of them, plaintiff was deprived of his physical liberty, was humiliated, was forced to endure great mental and physical suffering, and was forced to incur medical and legal expenses in an as yet unascertained amount.

16. The aforementioned acts of defendants, Jamie Fitzpatrick (#6114) and Frank Wilson (#5710), and each of them, were willful, wanton, malicious and oppressive and justify the awarding of exemplary and punitive damages in an amount sufficient to punish and make examples of said defendants.

## SECOND CAUSE OF ACTION
## AGAINST ALL DEFENDANTS
## FOR ILLEGAL SEARCH AND SEIZURE

17. Plaintiff hereby incorporates by reference paragraphs 1 through 9, inclusive of the General Allegations and paragraphs 11 through 15, inclusive, of the First Cause of Action as though fully set forth herein.

18. On May 20, 2000, at approximately 2:45 a.m., defendants Jamie Fitzpatrick (#6114) and Frank Wilson (#5710), and each of them, without a warrant and without probable cause, unlawfully stopped and detained plaintiff, searched his person, clothing and belongings, and improperly placed and held him handcuffed in a moving police vehicle without lap and shoulder belts. Plaintiff did not consent to any such search(es), seizure, or transport.

19. By the actions described above, defendants, and each of them, deprived plaintiff of the following clearly established and well-settled constitutional rights:

A. Freedom from illegal and warrantless searches and seizures;

B. Freedom from summary punishment;

C. Freedom from the use of illegal, excessive, unreasonable, unnecessary and/or outrageous search procedures;

D. Due process and equal protection in handling, treatment and transportation.

20. Defendants, and each of them, subjected plaintiff to the deprivation of his rights intentionally and either maliciously, or by acting with a reckless disregard for whether plaintiff's rights

and/or safety would be violated by their actions.

21. As a direct and proximate result of the acts of defendants, and each of them, plaintiff was deprived of his right to be free from warrantless and unreasonable searches and seizures, was humiliated, was forced to endure great mental suffering, and was forced to incur medical and legal expenses, and sustained wage losses in an as yet unascertained amount.

**THIRD CAUSE OF ACTION**

**AGAINST ALL DEFENDANTS**

**FOR**

**BATTERY**

22. Plaintiff hereby incorporates by reference paragraphs 1 through 9, inclusive, of the General Allegations and paragraphs 11 through 15, inclusive, of the First Cause of Action as though fully set forth herein.

23. On or about May 20, 2006, defendants Jamie Fitzpatrick (#6114) and Frank Wilson (#5710), and each of them, committed the following acts:

A. Unlawfully pointed loaded guns at Plaintiff, offensively touched and searched his person, clothing and belongings;

B. Handcuffed plaintiff, over tightened said cuffs so as to hurt plaintiff, and placed plaintiff in the rear of their police vehicle without a lap and shoulder belt so as to cause him additional injury.

24. The above-specified acts were committed upon plaintiff

without his consent and was without provocation or justification.

25. As a direct and proximate result of the afore-described conduct of defendants, and each of them, plaintiff sustained injuries to his health, strength and emotional well being as well as the deprivation of his civil and constitutional rights. Plaintiff is informed and believes, and thereon alleges, that said injuries will result in some permanent disability to him, all to his general damage in an amount which will be stated according to proof.

26. That as a further direct and proximate result of the afore-described conduct of defendants, and each of them, plaintiff incurred medical and incidental expenses. Plaintiff is informed and believes, and thereon alleges, that because of the permanency of his injuries he will incur like expenses in the future all to his damage in sums not at this time ascertained. Plaintiff will pray for leave of court to amend the complaint to insert the true amount thereof when is ascertained.

27. That as a further direct and proximate result of the afore-described conduct of the defendants, and each of them, plaintiff was prevented from attending to his usual occupation for a period of time and sustained wage losses. Plaintiff is informed and believes, and thereon allege, that by virtue of the permanency and severity of his injuries, he will be prevented in the future from attending to his usual occupation and will further sustain wage losses. Plaintiff does not know the exact amount of said loss of earnings and/or future loss of earning capacity and will move to amend the complaint to state the true amounts thereof when same are ascertained.

28. The aforementioned acts of defendants Jamie Fitzpatrick (#6114) and Frank Wilson (#5710), and each of them, were willful, wanton, malicious and oppressive and justify the awarding of exemplary and punitive damages in an amount sufficient to punish and make examples of said defendants.

**FOURTH CAUSE OF ACTION**

**AGAINST ALL DEFENDANTS**

**FOR**

**INVASION OF PRIVACY**

29. Plaintiff hereby incorporates by reference paragraphs 1 through 9, inclusive, of the General Allegations, paragraphs 11 through 15, inclusive, of the First Cause of Action, paragraphs 18 through 21, inclusive, of the Second Cause of Action, and paragraphs 23 through 27, inclusive of the Third Cause of Action, as though fully set forth herein.

30. By stopping, arresting, searching and otherwise interfering with plaintiff without probable cause, a warrant, excuse or justification, defendants Jamie Fitzpatrick (#6114) and Frank Wilson (#5710), and each of them, wrongfully and unlawfully invaded plaintiff's rights of privacy. Said invasion was done despite plaintiff's protestation against such acts.

31. Plaintiff in no way consented to the search of his clothing, persons or belongings. Additionally, plaintiff in no way consented to any of the other acts perpetrated upon him by said defendants, and each of them. Plaintiff submitted to said defendants' acts only because he was afraid, was ordered to submit by said defendants who were acting under color of their authority

and under color of the statutes, ordinances, regulations, customs and practices of the State of California, the City of San Diego and the San Diego Police Department.

32. The above-mentioned acts and conduct of said defendants were beyond their authority and were without probable cause or justification and were abuses of authority. In that defendants' acts and conduct were outside of their authority, they are not immune from liability for said acts.

33. As a result of the afore-mentioned conduct of defendants Jamie Fitzpatrick (#6114) and Frank Wilson (#5710), and each of them, plaintiff was deprived of rights, privileges and immunities secured to him by the constitutions and laws of the United States and of the State of California. Defendants' conduct constituted illegal and warrantless searches and arbitrary intrusions by defendants, and each of them, upon plaintiff's belongings, privacy and body, thereby depriving plaintiff of life, liberty, and property without due process of law. Plaintiff, therefore, is entitled to relief under U.S.C., Title 42, Sec. 1983.

34. The aforementioned acts of defendants, and each of them, were willful, wanton, malicious and oppressive and justify the awarding of exemplary and punitive damages in an amount sufficient to punish and make examples of said defendants.

**FIFTH CAUSE OF ACTION**

**AGAINST ALL DEFENDANTS**

**FOR**

**INTENTIONAL INFLICTION OF SEVERE EMOTIONAL DISTRESS**

35. Plaintiff hereby incorporates by reference paragraphs 1

through 9, inclusive, of the General Allegations, paragraphs 11 through 15, inclusive, of the First Cause of Action, paragraphs 18 through 21, inclusive, of the Second Cause of Action, paragraphs 23 through 27, inclusive, of the Third Cause of Action and paragraphs 30 through 33, inclusive, of the Fourth Cause of Action as though fully set forth herein.

36. In addition to the conduct complained of and incorporated herein by reference, defendants Jamie Fitzpatrick (#6114) and Frank Wilson (#5710), and each of them, intentionally and excessively participated in and performed the following acts:

A. Unlawfully pointed loaded guns at plaintiff, stopped and detained him, searched his person, clothing and belongings;

B. Handcuffed plaintiff, over tightened said cuffs so as to hurt plaintiff, and placed plaintiff in the rear of their police vehicle without a lap and shoulder belt so as to cause him additional injury.

37. Defendants, and each of them, intentionally and excessively assaulted and battered plaintiff for the sole purpose of causing said plaintiff pain and suffering. This conduct as well as said defendants', and each of them, conduct of stopping, searching, handcuffing, arresting, battering, and improperly transporting (without lap/shoulder belt) plaintiff were extreme and outrageous.

38. By reason of the outrageous conduct and treatment of plaintiff by the above-named defendants, plaintiff suffered injury and damage to his face, jaw, neck, back, mind, body, arms, legs,

and nervous systems, embarrassment, severe emotional distress and as yet additional unascertained injuries and damages.

39. By reason of the wrongful acts of defendants, and each of them, plaintiff was required to and did employ physicians and surgeons to examine, treat and care for him. Plaintiff thereby incurred medical and related expenses in an as yet unascertained amount or according to proof.

40. That as a further direct and proximate result of the afore-described conduct of the defendants, and each of them, plaintiff was prevented from attending to his usual occupation for a period of time and sustained wage losses. Plaintiff is informed and believes, and thereon alleges, that by virtue of the permanency and severity of his injuries, he will be prevented in the future from attending to his usual occupation and will further sustain wage losses. Plaintiff does not know the exact amount of said loss of earnings and/or future loss of earning capacity and will move to amend the complaint to state the true amounts thereof when same are ascertained.

41. The aforementioned acts of defendants Jamie Fitzpatrick (#6114) and Frank Wilson (#5710), and each of them, were willful, wanton, malicious and oppressive and justify the awarding of exemplary and punitive damages in an amount sufficient to punish and make examples of defendants.

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**SIXTH CAUSE OF ACTION**

**AGAINST ALL DEFENDANTS**

**FOR**

**NEGLIGENCE**

42. Plaintiff hereby incorporates by reference paragraphs 1 through 9, inclusive, of the General Allegations, paragraphs 11 through 15, inclusive, of the First Cause of Action, paragraphs 18 through 21, inclusive, of the Second Cause of Action, paragraphs 23 through 27, inclusive, of the Third Cause of Action, paragraphs 30 through 33, inclusive, of the Fourth Cause of Action and paragraphs 36 through 40, inclusive, of the Fifth Cause of Action as though fully set forth herein.

43. In doing the acts complained of and incorporated herein by reference, and further by driving plaintiff unbelted and handcuffed in the rear of their police vehicle, and by becoming involved in a foreseeable automobile accident, defendants Jamie Fitzpatrick (#6114) and Frank Wilson (#5710), and each of them, were negligent. Said defendants owed plaintiff, a law abiding citizen, a duty not to stop, search, arrest or otherwise use force against him without probable cause or justification. Defendants further owed plaintiff a duty to not handcuff him, not tighten said handcuffs so as to hurt him, not place him un-seatbelted in a moving police vehicle while handcuffed, and to follow proper procedures while transporting plaintiff in a police vehicle. Defendants, and each of them, breached each said duty.

45. Defendants City of San Diego and San Diego Police Department were negligent in entrusting its police vehicle to defendants Jamie Fitzpatrick (#6114) and Frank Wilson (#5710), the

hiring and/or promotion of its personnel and negligently failed to properly train and/or supervise its police officers [defendants Jamie Fitzpatrick (#6114) and Frank Wilson (#5710), and each of them] in the performance of their respective duties.

46. Defendants, City of San Diego and San Diego Police Department were either aware of, or should have been aware of, the propensities of actions of its employees and/or agents and ratified and approved same.

47. By committing the acts complained of, by entrusting its police vehicle to defendants Jamie Fitzpatrick (#6114) and Frank Wilson (#5710), and by failing to properly screen, train and supervise its police officers, defendants City of San Diego and San Diego Police Department, and each of them, breached duties owed to plaintiff and proximately caused his injuries.

48. As a proximate result of the negligence of defendants, and each of them, plaintiff sustained injury and damage to his jaw, neck, back, mind, body, psyche, emotion, self esteem, reputation and person. Plaintiff was caused to suffer severe emotional distress and additional as yet unascertained injuries and damages.

49. As a further proximate result of the negligence of defendants, and each of them, plaintiff was required to and did employ physicians and surgeons to examine, treat and care for him. Plaintiff thereby incurred medical and related expenses in an as yet unascertained amount or according to proof.

50. That as a further direct and proximate result of the afore-described conduct of the defendants, and each of them, plaintiff was prevented from attending to his usual occupation for a period of time and sustained wage losses. Plaintiff is informed

and believes, and thereon alleges, that by virtue of the permanency and severity of his injuries, he will be prevented in the future from attending to his usual occupation and will further sustain wage losses. Plaintiff does not know the exact amount of said loss of earnings and/or future loss of earning capacity and will move to amend the complaint to state the true amount thereof when same is ascertained.

**SEVENTH CAUSE OF ACTION**

**AGAINST ALL DEFENDANTS**

**FOR VIOLATION OF FEDERAL AND STATE**

**CIVIL, CONSTITUTIONAL AND STATUTORY RIGHTS**

51. Plaintiff hereby incorporates by reference paragraphs 1 through 9, inclusive of the General Allegations, paragraphs 11 through 15, inclusive, of the First Cause of Action, paragraphs 18 through 21, inclusive, of the Second Cause of Action, paragraphs 23 through 27, inclusive, of the Third Cause of Action, paragraphs 30 through 33, inclusive, of the Fourth Cause of Action, paragraphs 36 through 40, inclusive, of the Fifth Cause of Action, and paragraphs 43 through 50, inclusive, of the Sixth Cause of Action as though fully set forth herein.

52. This action is brought pursuant to the provisions of 42 U.S.C., Sections 1981, 1983 and 1985 and pursuant to the provisions of California Civil Code, Sections 51, 52 and 52.1.

53. At all times herein-mentioned, defendants, and each of them, were acting in their capacities as police officers, under color of law of the statutes of the State of California conferring authority on peace officers.

54. In doing the acts complained of and by reason of the false imprisonment, illegal search and seizure, battery, invasion of privacy, improper use of handcuffs, improper transportation, and intentional infliction of emotional distress committed by defendants, and each of them, plaintiff was deprived of his rights as secured by the Fourth and Fourteenth Amendments to the United States Constitution and as further secured by the California Constitution and statutes.

55. As a direct and proximate result of the aforementioned acts, Plaintiff incurred damages in an amount according to proof.

AS TO ALL CAUSES OF ACTION, PLAINTIFF DEMANDS A JURY TRIAL.

WHEREFORE, Plaintiff prays for judgment against defendants, as follows:

1. For general damages in the amount of $1,500,000.00 each or according to proof;

2. For medical and related expenses in an amount according to proof;

3. For special damages according to proof;

4. For deprivation of his constitutional and civil rights;

5. For exemplary and punitive damages in an amount sufficient to punish and make examples of defendants.

6. For costs incurred herein pursuant to Section 1988 of 42 U.S.C., Section 52 and 52.1 of the Civil Code and 1021.5 of the Code of Civil Procedure;

7. Attorney fees incurred in the prosecution of said complaint pursuant to Section 1988 of 42 U.S.C., Section 52 and

52.1 of the Civil Code and 1021.5 of the Code of Civil Procedure; and,

8. For prejudgment interest according to proof.

DATED: May 17, 2008

RONALD J. HIGGINS
Attorney for Plaintiff,
Karl Philip Johnson

**UNITED STATES**
**DISTRICT COURT**
SOUTHERN DISTRICT OF CALIFORNIA
SAN DIEGO DIVISION

**# 151043 - SR**

**May 19, 2008**
**13:53:41**

**Civ Fil Non-Pris**

USAO #.: 08CV0887
Judge..: NAPOLEON A JONES, JR
Amount.: $350.00 CK
Check#.: BC#8371

**Total-> $350.00**

FROM: JOHNSON V. CITY OF SD, ET AL
CIVIL FILING

JS 44 (Rev. 12/07)

# CIVIL COVER SHEET

FILED
MAY 19 2008

VIA FAX

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

**I. (a) PLAINTIFFS**
JOHNSON, KARL P.

**DEFENDANTS**
CITY OF SAN DIEGO; SAN DIEGO POLICE DEPARTMENT; JAMIE FITAPATRICK (#6114); FRANK WILSON (#5710);

(b) County of Residence of First Listed Plaintiff SAN DIEGO
(EXCEPT IN U.S. PLAINTIFF CASES)

County of Residence of First Listed Defendant
(IN U.S. PLAINTIFF CASES ONLY)
NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

(c) Attorney's (Firm Name, Address, and Telephone Number)
RONALD J. HIGGINS, Esq. #103923 (310) 642-9900
5777 W. Century Bl., Suite 750, Los Angeles, Ca. 90045

Attorneys (If Known)
'08 CV 0887 J WMc

**II. BASIS OF JURISDICTION** (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

**III. CITIZENSHIP OF PRINCIPAL PARTIES** (Place an "X" in One Box for Plaintiff and One Box for Defendant) (For Diversity Cases Only)

| | PTF | DEF | | PTF | DEF |
|---|---|---|---|---|---|
| Citizen of This State | ☐ 1 | ☐ 1 | Incorporated *or* Principal Place of Business In This State | ☐ 4 | ☐ 4 |
| Citizen of Another State | ☐ 2 | ☐ 2 | Incorporated *and* Principal Place of Business In Another State | ☐ 5 | ☐ 5 |
| Citizen or Subject of a Foreign Country | ☐ 3 | ☐ 3 | Foreign Nation | ☐ 6 | ☐ 6 |

**IV. NATURE OF SUIT** (Place an "X" in One Box Only)

**CONTRACT**
- ☐ 110 Insurance
- ☐ 120 Marine
- ☐ 130 Miller Act
- ☐ 140 Negotiable Instrument
- ☐ 150 Recovery of Overpayment & Enforcement of Judgment
- ☐ 151 Medicare Act
- ☐ 152 Recovery of Defaulted Student Loans (Excl. Veterans)
- ☐ 153 Recovery of Overpayment of Veteran's Benefits
- ☐ 160 Stockholders' Suits
- ☐ 190 Other Contract
- ☐ 195 Contract Product Liability
- ☐ 196 Franchise

**REAL PROPERTY**
- ☐ 210 Land Condemnation
- ☐ 220 Foreclosure
- ☐ 230 Rent Lease & Ejectment
- ☐ 240 Torts to Land
- ☐ 245 Tort Product Liability
- ☐ 290 All Other Real Property

**TORTS**

PERSONAL INJURY
- ☐ 310 Airplane
- ☐ 315 Airplane Product Liability
- ☐ 320 Assault, Libel & Slander
- ☐ 330 Federal Employers' Liability
- ☐ 340 Marine
- ☐ 345 Marine Product Liability
- ☐ 350 Motor Vehicle
- ☐ 355 Motor Vehicle Product Liability
- ☐ 360 Other Personal Injury

PERSONAL INJURY
- ☐ 362 Personal Injury - Med. Malpractice
- ☐ 365 Personal Injury - Product Liability
- ☐ 368 Asbestos Personal Injury Product Liability

PERSONAL PROPERTY
- ☐ 370 Other Fraud
- ☐ 371 Truth in Lending
- ☐ 380 Other Personal Property Damage
- ☐ 385 Property Damage Product Liability

**CIVIL RIGHTS**
- ☐ 441 Voting
- ☐ 442 Employment
- ☐ 443 Housing/ Accommodations
- ☐ 444 Welfare
- ☐ 445 Amer. w/Disabilities - Employment
- ☐ 446 Amer. w/Disabilities - Other
- ☒ 440 Other Civil Rights

**PRISONER PETITIONS**
- ☐ 510 Motions to Vacate Sentence
- Habeas Corpus:
- ☐ 530 General
- ☐ 535 Death Penalty
- ☐ 540 Mandamus & Other
- ☐ 550 Civil Rights
- ☐ 555 Prison Condition

**FORFEITURE/PENALTY**
- ☐ 610 Agriculture
- ☐ 620 Other Food & Drug
- ☐ 625 Drug Related Seizure of Property 21 USC 881
- ☐ 630 Liquor Laws
- ☐ 640 R.R. & Truck
- ☐ 650 Airline Regs.
- ☐ 660 Occupational Safety/Health
- ☐ 690 Other

**LABOR**
- ☐ 710 Fair Labor Standards Act
- ☐ 720 Labor/Mgmt. Relations
- ☐ 730 Labor/Mgmt.Reporting & Disclosure Act
- ☐ 740 Railway Labor Act
- ☐ 790 Other Labor Litigation
- ☐ 791 Empl. Ret. Inc. Security Act

**IMMIGRATION**
- ☐ 462 Naturalization Application
- ☐ 463 Habeas Corpus - Alien Detainee
- ☐ 465 Other Immigration Actions

**BANKRUPTCY**
- ☐ 422 Appeal 28 USC 158
- ☐ 423 Withdrawal 28 USC 157

**PROPERTY RIGHTS**
- ☐ 820 Copyrights
- ☐ 830 Patent
- ☐ 840 Trademark

**SOCIAL SECURITY**
- ☐ 861 HIA (1395ff)
- ☐ 862 Black Lung (923)
- ☐ 863 DIWC/DIWW (405(g))
- ☐ 864 SSID Title XVI
- ☐ 865 RSI (405(g))

**FEDERAL TAX SUITS**
- ☐ 870 Taxes (U.S. Plaintiff or Defendant)
- ☐ 871 IRS—Third Party 26 USC 7609

**OTHER STATUTES**
- ☐ 400 State Reapportionment
- ☐ 410 Antitrust
- ☐ 430 Banks and Banking
- ☐ 450 Commerce
- ☐ 460 Deportation
- ☐ 470 Racketeer Influenced and Corrupt Organizations
- ☐ 480 Consumer Credit
- ☐ 490 Cable/Sat TV
- ☐ 810 Selective Service
- ☐ 850 Securities/Commodities/ Exchange
- ☐ 875 Customer Challenge 12 USC 3410
- ☐ 890 Other Statutory Actions
- ☐ 891 Agricultural Acts
- ☐ 892 Economic Stabilization Act
- ☐ 893 Environmental Matters
- ☐ 894 Energy Allocation Act
- ☐ 895 Freedom of Information Act
- ☐ 900Appeal of Fee Determination Under Equal Access to Justice
- ☐ 950 Constitutionality of State Statutes

**V. ORIGIN** (Place an "X" in One Box Only)

☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify) ☐ 6 Multidistrict Litigation ☐ 7 Appeal to District Judge from Magistrate Judgment

**VI. CAUSE OF ACTION**
Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
42 U.S.C.A. 1983
Brief description of cause:
Arrest w/o probable cause; handcuffed & placed in police vehicle w/o seatbelt & injured.

**VII. REQUESTED IN COMPLAINT:** ☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23
DEMAND $ 1,000,000.00
CHECK YES only if demanded in complaint:
JURY DEMAND: ☒ Yes ☐ No

**VIII. RELATED CASE(S) IF ANY** (See instructions): JUDGE DOCKET NUMBER

DATE
05/18/2008
SIGNATURE OF ATTORNEY OF RECORD
Ronald J. Higgins

FOR OFFICE USE ONLY

RECEIPT # 151043 AMOUNT 350. APPLYING IFP JUDGE MAG. JUDGE

5/19/08